

Application No.: 10/731,350
Filed December 9, 2003
Via Facsimile No.: 571-273-8300

Jens Aaga Munk
Attorney Docket No. 6485.200-US

RESPONSE

The examiner states in the Office Action Summary that claims numbered 1-6 are pending in the application and are rejected. Claims 1 and 3-5 have been amended by the present amendment. Support for the amendment can be found in Figures 1 and 2 of the above-identified application. Claims 1-6 will be pending upon entry of the present amendment.

The examiner states claims 1-6 are rejected under 35 U.S.C. § 103(a) as being obvious over Say et al (U.S. Patent No. 6,175,752)("Say") in view of Kurnik (U.S. Patent No. 6,546,269). Applicant will address the rejection with respect to all of claims 1-6 simultaneously.

The present inventor sought to discover an intuitive and easy to understand display for a medical monitor, e.g., a blood glucose monitor. One of the features that the inventor noticed was missing in available monitors was the presence of a future or predicted value in combination with a past and present value. The present inventor realized that if an individual monitoring a bodily parameter could be provided a single graphical image which illustrated the past, present, and future values of the parameter, then there would be a greater chance that the patient would more readily or at least intuitively recognize whether or not the parameter was within or approaching a desired range, the goal of self-diagnosis and self-treatment. Previous displays had been limited to past and/or present values or possibly future values, but not the combination of past, present, and future values. Without all three values in combination, the patient was not given an intuitive display to aid their monitoring. By combining the past, present, and future values of a bodily parameter (e.g., glucose) into a single image, the presently invention provides a graphical display that is linear and shows an upward, downward or flat trend (see the present Figures 1 and 2). This linear, single image allows the patient to intuitively understand the level of their monitored parameter. The applied art did not envision such a simple, but highly effective display.

Applicant recognizes that Say describes a wide variety of monitoring devices, specifically blood glucose monitoring devices. However, the only graphical, single image discussed in Say is in Figure 24, which shows a six-point, non-linear graph of an analyte. Such a graph would make no sense to a patient (i.e., a layperson or individual not of ordinary skill in the art) trying to quickly determine what their current status is and where their parameter level is headed. Without the linear graphical display provided by the presently claimed invention, the patient would have a much more difficult time self-diagnosing and/or self-treating.

Kurnik is unable to cure the deficiency of Say. Kurnik is purely focused on the prediction of a future or past concentration. Kurnik does not address the issue of how to effectively display information for a patient. Moreover, Kurnik, in Column 20 lines 41-46, indicates that for glucose, the predicted future value "can be used as a 'real-time value' of the analyte level." From this, it appears that Kurnik is more

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concerned with the lag time between sampling and data display as opposed to providing a clear display of a patient's past, present, and future values to aid the patient in their self-diagnosis.

The combination of Kurnik and Say would, at most, leave one with a graph like that shown in Figure 24 of Say, except that an additional "real-time value" data point might be added (e.g., a seven point, non-linear graph). This in no way leaves one with the single image, linear graphical display of the present invention. It is highly unlikely that a person trying to monitor a bodily parameter using the graphical display of Say or Say in combination with Kurnik would be able to intuitively understand the information it provides. This is exactly the problem that the presently claimed invention solves.

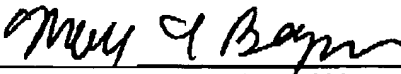
In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-6 under 35 U.S.C. § 103(a).

Applicant respectfully submits that following entry of the present remarks claims numbered 1-6 will be pending and are believed to be in condition for allowance.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

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